GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16361 of The Fishing School, pursuant to 11 DCMR 3107.2 for a variance from Subsection 334.3 to allow structural changes to a Temporary Community center, a variance from the minimum lot area and width requirements (Subsection 401.3), a variance from the allowable percentage of lot occupancy (Subsection 403.2) for a structure, and a special exception under the provisions of Subsection 334.1, to continue a Temporary Community Center and to expand to an adjacent building in an R-4 District at premise 1238-40 Wylie Street, N.E. (Square 1003, Lot 73 (Site Per Sub)).

HEARING DATE: **September 2, 1998**
DECISION DATE: **September 2, 1998 (Bench Decision)**

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR Subsections 334.3, 401.3, and 403.2, and for a special exception pursuant to 11 DCMR Subsection 334.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11DCMR 3107.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. practical difficulty for the owner in complying with the Zoning Regulations , and pursuant to11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in

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Board of Zoning Adjustment
District of Columbia
CASE NO.16786
EXHIBIT NO.31

accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **THREE** years.

2. The ages of the students shall be from six to 14.

3. The number of students at the school at any one time shall not exceed 35.

4. The hours of operation at the school shall be as follows:

   During the school year (from late August to mid June):
   10:00 a.m. - 8:00 p.m., Monday through Friday
   9:00 a.m. - 2:00 p.m. on Saturdays

   During the summer months (June, July and August):
   8:00 a.m. - 4:00 p.m., Monday through Friday

5. There shall be a maximum of four full time equivalent employees at the school.

6. The applicant shall meet at least four times a year with the Advisory Neighborhood Commission (ANC), and with the immediate neighbors.

7. The applicant shall provide for adequate trash removal at the school at least twice a week.

8. The applicant shall provide lighting at the site. The lighting shall be reflected at the site in such a way as not to spill over the school's property line.

9. The applicant shall arrange to have vans associated with the school park at sites away from the school in off-street parking.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Anthony Hood, Betty King, and Sheila Cross Reid to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Sheri M. Pruitt-Williams
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: SEP 24 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

app16361/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16361

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on SEP 24 1998 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Craig Ellis, Esquire
Ellis & Prioleau
1436 Fenwick Lane
Silver Spring, MD 20910

Thomas Lewis
6110 7th Place, N.W.
Washington, D.C. 20011

Attested By: Sheri M. Pruitt-Williams
SHERI M. PRUITT-WILLIAMS
Interim Director

Date: SEP 24 1998

attest/jkn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15681 of Thomas Lewis, pursuant to 11 DCMR 3108.1, for a special exception under Section 334 to establish a temporary family service center in an R-4 District at premises 1240 Wylie Street, N.E. (Square 1003, Lot 73).

HEARING DATE: July 8, 1992
DECISION DATE: July 8, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to the application, filed a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 334. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The use as a family service center is approved for **THREE (3) YEARS.**

2. The hours of operation shall be between 10:00 a.m. and 8:00 p.m. Monday through Saturday.

3. The number of staff shall not exceed four (4).

4. The number of visitors shall not exceed **TWENTY** (20) per day.

5. The applicant shall not allow persons coming to the center to congregate outside of the center.

6. The applicant shall provide adequate lighting at the entrance of the facility.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Tersh Boasberg, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens and Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JUL 24 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15681Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15681

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 24 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Thomas Lewis
6110 7th Place, N.W.
Washington, D.C. 20011

Craig Lisk, Chairperson
Advisory Neighborhood Commission 6A
1341 Maryland Avenue, N.E.
Washington, D.C. 20002

Madeliene A. Robinson

MADELIENE H. ROBINSON
Acting Director

DATE: JUL 24 1992

15681Att/bhs